

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 21, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - SUP-18266 - APPLICANT: CRAIG MCCALL -
OWNER: PHILLIP E. HEMPLER AND JOSEPH P. LEPIRE**

THIS ITEM WAS HELD IN ABEYANCE FROM THE FEBRUARY 7, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-2/ld, sd-1/rt vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (Z-0120-78), if approved.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request a request for a Special Use Permit for a Pawn Shop and a Waiver of the 1,000-foot distance separation requirement from an existing Financial Institution, Specified at 6032 West Cheyenne Avenue.

The applicant seeks to relocate a Pawn Shop to a separate commercial building within an existing shopping center on the northeast corner of Cheyenne Avenue and Jones Boulevard. The subject site does not meet the minimum 1000-foot separation requirement from an existing Financial Institution, Specified use as the parcel is next door to a Payday Loan Center located at 6010 West Cheyenne Avenue.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/21/79	The City Council approved rezoning (Z-120-78) from R1 to C1.
01/11/07	The Planning Commission voted 4-2/ld, sd-1/rt to recommend APPROVAL (PC Agenda Item #38/mh).
<i>Related Building Permits/Business Licenses</i>	
11/10/98	PC #L-5344-98: Plan Check for a tenant improvement for video store creating the address 6032 W. Cheyenne Avenue
7/16/04	Business License # F07-01873: "A Family Bed & Baby" Furniture Store. Out-of-business 9/28/06.
<i>Pre-Application Meeting</i>	
9/11/06	A pre-application meeting was held to discuss the requirements for a Special Use Permit for a pawn shop at the proposed location. In addition, the applicant was informed that this would require a waiver for the distance requirement from an existing Financial Institution, Specified.
<i>Neighborhood Meeting</i>	
NA	A neighborhood meeting was not required nor was one held.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.28

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Retail	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Pharmacy	SC (Service Commercial)	C-1 (Limited Commercial)
East	Commercial Retail	SC (Service Commercial)	C-1 (Limited Commercial)
West	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		
A-O Airport Overlay District	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

A-O Airport Overlay District

The proposed use of a Pawn Shop within an existing retail location will have no impact on the 70-foot height restrict set forth by the Airport Overlay District.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Pawn Shop	4,000 GFA	1: 250 GFA	16	1	16	1	Y
TOTAL (including handicap)			16	1	16	1	Y

Waivers		
Request	Requirement	Staff Recommendation
To allow zero feet of separation from an established Financial Institution, Specified.	1,000 foot from an existing Financial Institution, Specified.	Denial

ANALYSIS

- Zoning

The existing zoning is C-1 (Limited Commercial). This zoning is appropriate for the General Plan Land Use designation of C (Commercial). The proposed Pawn Shop use is allowed under that designation with approval of a Special Use Permit.

- Use

Pawn Shop is defined as follows:

A facility (other than a bank, saving and loan or mortgage banking company) used for the business of lending money on the security of pledged goods or for the business of the purchase of tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

The use, as proposed by the applicant, meets this definition as outlined in the Code, and is a permitted use in the C-1 (Limited Commercial) Zoning district with a Special Use Permit as sought by this application.

Although there is an established Financial Institution, Specified, within immediate proximity of the proposed Pawn Shop there are no other Pawn Shops within 1.5 miles of the subject site. The applicant seeks to highlight the difference in that the majority of the revenue from the pawn operation comes primarily from retail jewelry sales. The applicant has presented photographs of the previous establishment with the application showing a layout much in-line with a jewelry store, However; as the justification letter states that pawn-loans are provided on-site the use must be applied as such. Therefore staff recommends denial.

- Conditions

Pursuant to Title 19.04.050 the following conditions must be met for a Pawn Shop:

1. The use shall comply with the applicable requirements of Title 6 of the Las Vegas Municipal Code.
2. No outdoor display, sales or storage of any merchandise shall be permitted
3. No pawn shop shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.
4. No pawn shop shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

Because it does not meet the minimum conditions as listed in Title 19.04, the proposed Pawn Shop will be incompatible with the adjacent commercial uses. The applicant is requesting a Waiver from the separation requirement of 1,000 feet from an established Financial Institution, Specified use. Staff recommends denial.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**
2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**
3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**
4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**
5. **The use meets all of the applicable conditions per Title 19.04.**

In regard to “1”:

The proposed Pawn Shop would be in a separate building within an existing shopping center subdivision that has an established Financial Institution, Specified. Therefore, the proposed use cannot meet the conditional requirements as set forth by Title 19.04.050. As a result of the failure to meet separation requirements on these many conflicts, staff cannot recommend approval for this Special Use Permit.

In regard to “2”:

The site is physical constrained due to the location of the existing Financial Institution, Specified within the 200-foot separation requirement from the proposed Pawn.

In regard to “3”:

The primary access to the site is served via Cheyenne Avenue, designated as a (100-foot) Primary Arterial roadway on the Master Plan of Streets and Highways, which will adequately serve the proposed Pawn Shop use.

In regard to “4”:

The Special Use Permit for a Pawn Shop requires separation from an established Financial Institution, Specified. As the subject site fails to meet this separation requirement, the public welfare protections required in Title 19 would be compromised.

In regard to “5”:

The proposed relocation of a Pawn Shop requires separation from an established Financial Institution, Specified. As the subject site fails to meet this condition as set forth by Title 19.04.050, it is not in total compliance.

PLANNING COMMISSION ACTION

There were two speakers in the neighborhood opposed to the project. The applicant proposed hours of operation to be Monday through Saturday, 9:00 a.m. to 7:00 p.m. and Sunday, 10:00 a.m. to 5:00 p.m. with Thanksgiving and Christmas Eve to 9:00 p.m.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 340 by City Clerk

APPROVALS 0

PROTESTS 4